

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF MISSOURI**

In Re:	)	
	)	
David J. Rice, <i>Respondent</i>	)	Case No. 18-40777-705
	)	
Bayview Loan Servicing, LLC, <i>Movant</i>	)	Chapter: 7
	)	
vs.	)	<b>ORDER TO LIFT STAY</b>
	)	
David J. Rice, <i>Respondent</i>	)	Original Hearing Date:
	)	July 17, 2018
and	)	Original Hearing Time:
	)	9:30 AM
Tracy A. Brown, <i>Trustee</i>	)	
	)	<b>Motion No 24</b>

**AGREED ORDER RESOLVING MOTION FOR RELIEF FROM STAY**

**THIS MATTER** comes on for consideration upon the Motion of Bayview Loan Servicing, LLC, its subsidiaries, affiliates, predecessors in interest, successors or assigns ("Movant"), for its Motion for Relief from Stay. Based upon the pleadings filed, the evidence produced and by agreement of the undersigned,

**IT IS ORDERED** that the Motion is GRANTED. Movant, its successors or assigns, is hereby authorized to foreclose the lien of its mortgage as to the real property legally described as

**LOT 895 OF PLEASANT HOLLOW PLAT TWO A, A SUBDIVISION IN ST. LOUIS COUNTY, MISSOURI, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 143, PAGE 10 OF THE ST. LOUIS COUNTY RECORDS.,** commonly known as 2020 Foggy Bottom, Florissant, Missouri 63031,

by any lawful means including by exercise of the power of sale by the Trustee named in the Deed of Trust or by the duly appointed Successor Trustee, if one be appointed by Movant; and after the sale, to pursue any other remedies the purchaser may have pursuant to the terms of the Promissory Note and Deed of Trust, including enforcing rights to possession of the premises under the terms of the Promissory Note and Deed of Trust and in accordance with applicable non-bankruptcy state law, and

**IT IS FURTHER ORDERED** that the attorney's fees sought in the Motion for Relief may be assessed against the account of the Respondent, and

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**IT IS FURTHER ORDERED** that of the \$750.00 attorney's fees and \$181.00 costs sought in the Motion for Relief, \$600.00 fees and \$181.00 costs may be assessed against the account of the Respondent, and

**IT IS FURTHER ORDERED** that this Order for Relief from the Automatic Stay shall be effective immediately and that there shall not be a stay of enforcement of this Order pursuant to Federal Rule of Bankruptcy Procedure 4001(a)(3), and

**IT IS FURTHER ORDERED** that Movant may exercise its remedies available under state law, up to and including foreclosure of its mortgage against Respondent(s) interest in the Property. Movant may, at its option, contact Respondent(s) by telephone or by written correspondence to offer, provide and enter into a forbearance agreement, deed in lieu of foreclosure, loan modification, refinance agreement or other loan workout/loss mitigation agreement, and

**IT IS FURTHER ORDERED, AND THE COURT SPECIFICALLY FINDS**, that the following arrearage figures, charges, fees and costs as prayed for in the Motion, plus any amounts that have come due since the filing of the Motion pursuant to the terms of the Promissory Note and Security Instrument, are allowed and may be assessed against the account of the Respondent in the amount of:

DESCRIPTION	AMOUNT
(2) Late Payments \$821.38 (03/01/18 – 04/01/2018)	\$1,642.76
Accrued Late Charges	\$26.06
NSF Charges	\$15.00
MFR Filing Fee	\$181.00
MFR Attorney Fees	\$600.00
Total	\$2,464.82

**IT IS FURTHER ORDERED** that Movant shall be permitted to communicate with the Respondent(s) and Respondent(s)' counsel to the extent necessary to comply with applicable nonbankruptcy law.

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**IT IS FURTHER ORDERED** that Trustee Brown shall be permitted to continue attempting to sell the property for sale for the benefit of the bankruptcy estate, subject to further order of this Court.

**IT IS FINALLY ORDERED** that relief from the automatic stay is applicable even if the case is converted, unless otherwise specifically ordered.

**IT IS SO ORDERED.**

DATED: September 19, 2018  
St. Louis, Missouri 63102  
mtc

  
CHARLES E. RENDLEN, III  
U.S. Bankruptcy Judge

**SO AGREED**

TRACY A. BROWN, CHAPTER 7 TRUSTEE  
/s/ Tracy A. Brown  
Tracy A. Brown, Chapter 7 Trustee  
1034 S. Brentwood Blvd., Ste 1830  
Saint Louis MO 63117

SOUTHLAW, P.C.  
/s/ Lisa C. Billman  
Steven L. Crouch, (MBE #37783; EDMO #2903; KSFD #70244)  
Daniel A. West (MBE #48812; EDMO #98415; KSFD #70587)  
Wendee Elliott-Clement (MBE #50311; KS #20523)  
Lisa C. Billman (MBE #64535, KS #25177)  
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**ATTORNEYS FOR MOVANT**

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**RESPONDENT**

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**ATTORNEY FOR RESPONDENT**

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Tracy A. Brown  
1034 S. Brentwood Blvd., Ste 1830  
St. Louis, MO 63117  
**TRUSTEE**

Office of US Trustee  
111 S Tenth St, Ste 6.353  
St. Louis, MO 63102  
**U.S. TRUSTEE**

SOUTHLAW, P.C.

/s/ Lisa C. Billman

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